

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6120 of 1986

Date of decision: 16-2-98

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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AHMEDABAD SAHER JAHER BANDHKAMMAJUR MANDAL

Versus

STATE OF GUJARAT  
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Appearance:

None present for Petitioners

None present for Respondent No. 1, 2  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/02/98

## ORAL JUDGEMENT

Perused the special civil application. Petitioner No.1 is Ahmedabad Saher Jaher Bandhkam Majur Mandal, whereas petitioners No.2 to 48 are its members. Prayer has been made by the petitioners in this special civil application for issuance of writ of mandamus or a writ of certiorari or any other writ, order or direction, directing the respondents to regularise the jobs of the employees listed at annexure-A and absorb them on a permanent basis and for further direction to respondents to place them in appropriate pay scales from the date of their first employment, and to pay arrears and other benefits consequentially arising out of the regularisation and to pass all other incidental and consequential orders. Further prayer has been made regarding some other benefits like paid holidays, earned leave, medical benefits, L.T.C., etc.,

2. The respondent No.2 has filed reply to the special civil application. Employment of persons listed at annexure-A has not been disputed. Dispute has been raised only on the period from which they are working; but curiously enough the respondent, though mentioned in the reply that correct details of the petitioners' services are given in annexure-C, annexure-C has not been enclosed with the reply. The matter pertains to the year 1986. Neither of the parties to the special civil application has put appearance. Not only this, neither of the parties to the petition has brought on record of the special civil application whether the employees listed at annexure-A have been given these benefits or not during all these years. In such matters it would have been more proper as well as desirable also on the part of the petitioners to bring on record the subsequent developments which have taken place in the matter. After passing of 12 years, there maybe all possibility that during the interregnum the respondents would have given the benefit of regularisation etc., to the persons listed in annexure-A to some of the persons. But nothing has been brought on record. However, in absence of anything brought on record by either of the parties, interest of justice will be served in case the petition is disposed of with the direction that if still some grievance of the petitioners or any of them survive, then it shall be open to them or to him to file representation to the respondents, and if such representation is filed the same shall be decided as early as possible, say within two months from the date of receipt of the same, and reasoned order shall be passed and copy of the same shall be sent to the concerned petitioners. The special civil

application and rule stand disposed of accordingly. No order as to costs. In case of any difficulty, liberty is granted to the petitioners to file note for revival of this special civil application.

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